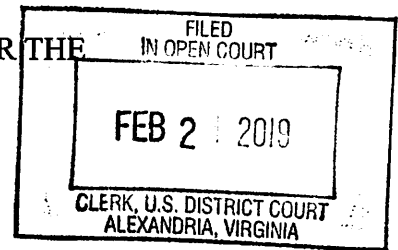


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

OSCAR CONTRERAS AGUILAR,
a/k/a "Oscar Contreras" and "Atrevido,"
(Counts 2, 4, 6, and 8)
ELMER ZELAYA MARTINEZ,
a/k/a "Killer," "Morenito Martinez,"
"Danilo Perez," and "Chucho,"
(All counts)
RONALD HERRERA CONTRERAS,
a/k/a "Espeedy," "Speedy,"
and "Joster Hrndz,"
(All counts)
HENRY ZELAYA MARTINEZ,
a/k/a "Certero" and "El Kakarra,"
(All counts)
YONATHAN MELGAR MARTINEZ,
a/k/a "Oso" and "Viejo Oso,"
(Counts 2, 4, 6, and 8)
PABLO MIGUEL VELASCO BARRERA,
a/k/a "Pablo Miguel Barrera Velasco,"
"Oscuro," and "Miguel Barrera,"
(All counts)
ANDERSON VILLATORO RIVERA,
a/k/a "Anderson Villatoro" and
"Enterrador,"
(Counts 2, 4, 6, and 8)
FRANCISCO AVILA AVALOS,
a/k/a "Picador," "Punche," and
"Punche Jr Avila,"
(All counts)
FREDYS BAIREZ ABARCA,
a/k/a "Fredys Baires," "Fredys D. Baires,"
"Lil Trucha," and "Lil Clandestino,"
(Counts 2, 4, 6, and 8)
DUGLAS RAMIREZ FERRERA,
a/k/a "Mortal," "Darwin," and "Artillero,"
(All counts)
EDENILSON MISAEAL ALFARO,
a/k/a "Lil Sicario" and "Pasiente Figueroa,"
(All counts)

Defendants.

Criminal No. 1:18CR123-TSE

Counts 1 and 2:

Conspiracy to Commit Kidnapping and
Murder in Aid of Racketeering Activity
(18 U.S.C. § 1959(a)(5))

Counts 3 and 4:

Conspiracy to Kidnap
(18 U.S.C. § 1201(c))

Counts 5 and 6:

Murder in Aid of Racketeering Activity
(18 U.S.C. §§ 1959(a)(1) and 2)

Counts 7 and 8:

Kidnapping Resulting in Death
(18 U.S.C. §§ 1201(a)(1) and 2)

Notice of Special Findings

(18 U.S.C. §§ 3591 and 3592)

SECOND SUPERSEDING INDICTMENT

February 2019 Term – at Alexandria

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

At all times material to this Second Superseding Indictment:

1. The defendants, OSCAR CONTRERAS AGUILAR, also known as “Oscar Contreras” and “Atrevido,” ELMER ZELAYA MARTINEZ, also known as “Killer,” “Morenito Martinez,” “Danilo Perez,” and “Chucho,” RONALD HERRERA CONTRERAS, also known as “Espeedy,” “Speedy,” and “Joster Hrndz,” HENRY ZELAYA MARTINEZ, also known as “Certo” and “El Kakarra,” YONATHAN MELGAR MARTINEZ, also known as “Oso” and “Viejo Oso,” PABLO MIGUEL VELASCO BARRERA, also known as “Pablo Miguel Barrera Velasco,” “Oscuro,” and “Miguel Barrera,” ANDERSON VILLATORO RIVERA, also known as “Anderson Villatoro” and “Enterrador,” FRANCISCO AVILA AVALOS, also known as “Picador,” “Punche,” and “Punche Jr Avila,” FREDYS BAIREZ ABARCA, also known as “Fredys Baires,” “Fredys D. Baires,” “Lil Trucha,” and “Lil Clandestino,” DUGLAS RAMIREZ FERRERA, also known as “Mortal,” “Darwin,” and “Artillero,” and EDENILSON MISAEAL ALFARO, also known as “Lil Sicario” and “Pasiente Figueroa,” were members and associates of La Mara Salvatrucha, also known as “MS-13.” MS-13 is a violent international street gang involved in a variety of criminal activities, including aggravated assault, extortion, abduction, kidnapping, murder, and obstruction of justice, in the Eastern District of Virginia and elsewhere.

2. MS-13 members and associates are located throughout the United States, including in Virginia, Maryland, Ohio, Texas, New York, and California. MS-13 also has a large international presence in El Salvador, Guatemala, Honduras, and Mexico. MS-13 recruits members and associates predominantly from the Hispanic community.

3. In order to protect the power, reputation, and territory of MS-13, members and associates are required to use violence, threats of violence, and intimidation. These acts of violence include murder and assault with deadly weapons, including firearms, machetes, and knives. MS-13 members and associates maintain and enhance their status in the gang, and the overall reputation of the gang, by participating in such violent acts.

4. MS-13 recruits are indoctrinated into MS-13 rules, which are ruthlessly enforced. One prominent rule encourages MS-13 members and associates to confront, fight, and kill rival gang members, known as *chavalas*. Another prominent rule requires MS-13 members and associates to identify individuals cooperating with law enforcement authorities. When such individuals are identified, MS-13 members and associates are required to notify senior gang members, who typically order (*i.e.*, “green light”) the killing of the individuals cooperating with law enforcement authorities.

5. MS-13 is organized into groups known as “cliques” that hold regular meetings to coordinate gang activities. Each clique is run by the senior leader, who is designated the “First Word,” and the second-in-command, who is designated the “Second Word.” The other members and associates of the clique take their orders from the First Word or Second Word. The leaders of the respective cliques attend larger general meetings to manage gang operations on a regional and international level.

6. MS-13 members must attend clique meetings. At each clique meeting, members are required to pay dues. At times, MS-13 members are also expected to obtain money through illegal means, including, but not limited to, extortion. The money is provided to clique leaders and used to finance clique activities, to provide support for clique members who are in jail, and to send funds to MS-13 leadership in El Salvador.

7. To promote their gang identity, MS-13 members and associates often wear blue or white clothing, as well as clothing displaying the number "13" or numbers that total 13, such as "76." MS-13 members and associates also often have tattoos reading "Mara Salvatrucha," "MS," or "MS-13," and mark their territory with graffiti displaying those names and symbols associated with the gang. One such symbol is the MS-13 hand sign, meant to resemble both an inverted "M" and the face of the devil, with outstretched fingers representing devil's horns. More recently, some MS-13 members have more discreetly and less publicly signified their membership by avoiding such clothing and hiding such tattoos in order to avoid detection by law enforcement. MS-13 members refer to one another by their gang names or other nicknames and may not know fellow gang members except by these gang names.

8. The Park View Locos Salvatrucha, also known as "PVLS," is an MS-13 clique operating in northern Virginia and elsewhere. Defendants OSCAR CONTRERAS AGUILAR, also known as "Oscar Contreras" and "Atrevido," ELMER ZELAYA MARTINEZ, also known as "Killer," "Morenito Martinez," "Danilo Perez," and "Chucho," HENRY ZELAYA MARTINEZ, also known as "Certero" and "El Kakarra," YONATHAN MELGAR MARTINEZ, also known as "Oso" and "Viejo Oso," PABLO MIGUEL VELASCO BARRERA, also known as "Pablo Miguel Barrera Velasco," "Oscuro," and "Miguel Barrera," ANDERSON VILLATORO RIVERA, also known as "Anderson Villatoro" and "Enterrador," FRANCISCO AVILA AVALOS, also known as "Picador," "Punche," and "Punche Jr Avila," FREDYS BAIREs ABARCA, also known as "Fredys Baires," "Fredys D. Baires," "Lil Trucha," and "Lil Clandestino," and EDENILSON MISAEL ALFARO, also known as "Lil Sicario" and "Paciente Figueroa," were members and associates of the PVLS clique of MS-13. Co-conspirators Josue Vigil Mejia, also known as "Horror" and "Jose Vigil," and Erick Palacios Ruiz, also known as "Cara de Malo," "Erick Torres," and "Guanako Ruiz," were also members and associates of the PVLS clique of MS-13.

9. Defendant RONALD HERRERA CONTRERAS, also known as “Espeedy,” “Speedy,” and “Joster Hrndz,” was a member and associate of the Western Locos Salvatrucha clique of MS-13, but he also associated with the PVLS clique.

10. Defendant DUGLAS RAMIREZ FERRERA, also known as “Mortal,” “Darwin,” and “Artillero,” was a member and associate of the Cabanas Locos Salvatrucha clique of MS-13, but he also associated with the PVLS clique.

The Racketeering Enterprise

11. MS-13, including its leaders, members, and associates, constitutes an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that engages in, and the activities of which affect, interstate and foreign commerce. MS-13 is an ongoing organization whose members and associates function as a continuing unit for a common purpose of achieving the objectives of the enterprise.

Purposes of the Enterprise

12. The purposes of the MS-13 enterprise include the following:
- (a) Preserving, expanding, and protecting the power, territory, and reputation of MS-13 through the use of violence, threats of violence, and intimidation;
 - (b) Promoting and enhancing MS-13 and the activities of its members and associates by committing crimes, including, but not limited to, murder;
 - (c) Keeping victims, potential victims, and community members in fear of MS-13 and its members and associates through violence, threats of violence, and intimidation;
 - (d) Confronting and retaliating against rival gangs through the use of violence, threats of violence, and intimidation;
 - (e) Assaulting and murdering individuals believed to be cooperating with law enforcement authorities;

- (f) Hindering and obstructing efforts of law enforcement to identify, apprehend, and successfully prosecute offending gang members; and
- (g) Providing financial support and information to MS-13 members, including those incarcerated in the United States and in El Salvador.

Means and Methods of the Enterprise

13. Among the means and methods by which MS-13 members and associates conduct and participate in the affairs of the enterprise are the following:

- (a) MS-13 members and associates use violence, threats of violence, and intimidation to preserve, protect, and expand the enterprise's territory and activities and to enhance its prestige, reputation, and position in the community;
- (b) MS-13 members and associates promote a climate of fear through violence, threats of violence, and intimidation;
- (c) MS-13 members and associates use violence, threats of violence, and intimidation to discipline and punish members and associates who violate enterprise rules;
- (d) MS-13 members and associates use cellular phones to discuss gang-related business and to obtain approval for the use of violence to further the purposes of MS-13;
- (e) MS-13 members and associates collect dues to send to MS-13 members incarcerated in the United States and El Salvador and to MS-13 leadership in El Salvador, in an effort to provide financial support to the enterprise;
- (f) MS-13 members and associates commit violent crimes in order to be promoted in the gang, which has, among others, the following positions in ascending order: *paro*, *observacion*, *chequeo*, and homeboy; and

- (g) MS-13 members and associates use cellular phones to record the violent acts that they commit as a means of proving to gang leadership that they are worthy of promotion within the gang's ranks.

14. MS-13, through its members and associates, engages in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts involving murder and extortion, in violation of the laws of the Commonwealth of Virginia; acts indictable under Title 18, United States Code, Sections 1503 (obstruction of justice), 1512 (witness tampering), and 1591 (sex trafficking); and offenses involving drug trafficking, in violation of Title 21, United States Code, Sections 841 and 846.

COUNT ONE

(Conspiracy to Commit Kidnapping and Murder of E.E.E.M. in Aid of Racketeering Activity)

THE GRAND JURY FURTHER CHARGES THAT:

The GENERAL ALLEGATIONS of this Second Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

In and around August 2016, in Fairfax County, Virginia, within the Eastern District of Virginia, and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, defendants ELMER ZELAYA MARTINEZ, also known as “Killer,” “Morenito Martinez,” “Danilo Perez,” and “Chucho,” RONALD HERRERA CONTRERAS, also known as “Espeedy,” “Speedy,” and “Joster Hrndz,” HENRY ZELAYA MARTINEZ, also known as “Certero” and “El Kakarra,” PABLO MIGUEL VELASCO BARRERA, also known as “Pablo Miguel Barrera Velasco,” “Oscuro,” and “Miguel Barrera,” FRANCISCO AVILA AVALOS, also known as “Picador,” “Punche,” and “Punche Jr Avila,” DUGLAS RAMIREZ FERRERA, also known as “Mortal,” “Darwin,” and “Artillero,” and EDENILSON MISAEL ALFARO, also known as “Lil Sicario” and “Paciente Figueroa,” did knowingly and intentionally combine, conspire, confederate, and agree with each other, and with others, known and unknown to the grand jury, to kidnap and murder E.E.E.M, in violation of the laws of the Commonwealth of Virginia, specifically, Va. Code §§ 18.2-22, 18.2-32, and 18.2-47.

(In violation of Title 18, United States Code, Section 1959(a)(5).)

COUNT TWO

(Conspiracy to Commit Kidnapping and Murder of S.A.A.T. in Aid of Racketeering Activity)

THE GRAND JURY FURTHER CHARGES THAT:

The GENERAL ALLEGATIONS of this Second Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

In and around September 2016, in Fairfax County, Virginia, within the Eastern District of Virginia, and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, defendants OSCAR CONTRERAS AGUILAR, also known as "Oscar Contreras" and "Atrevido," ELMER ZELAYA MARTINEZ, also known as "Killer," "Morenito Martinez," "Danilo Perez," and "Chucho," RONALD HERRERA CONTRERAS, also known as "Espeedy," "Speedy," and "Joster Hrmdz," HENRY ZELAYA MARTINEZ, also known as "Certero" and "El Kakarra," YONATHAN MELGAR MARTINEZ, also known as "Oso" and "Viejo Oso," PABLO MIGUEL VELASCO BARRERA, also known as "Pablo Miguel Barrera Velasco," "Oscuro," and "Miguel Barrera," ANDERSON VILLATORO RIVERA, also known as "Anderson Villatoro" and "Enterrador," FRANCISCO AVILA AVALOS, also known as "Picador," "Punche," and "Punche Jr Avila," FREDYS BAIREs ABARCA, also known as "Fredys Baires," "Fredys D. Baires," "Lil Trucha," and "Lil Clandestino," DUGLAS RAMIREZ FERRERA, also known as "Mortal," "Darwin," and "Artillero," and EDENILSON MISAEL ALFARO, also known as "Lil Sicario" and "Pasiente Figueroa," did knowingly and intentionally combine, conspire, confederate, and agree with each other, and with others, known and unknown to the grand jury, to kidnap and murder S.A.A.T., in violation of the laws of the Commonwealth of Virginia, specifically, Va. Code §§ 18.2-22, 18.2-32, and 18.2-47.

(In violation of Title 18, United States Code, Section 1959(a)(5).)

COUNT THREE

(Conspiracy to Kidnap E.E.E.M.)

THE GRAND JURY FURTHER CHARGES THAT:

The GENERAL ALLEGATIONS of this Second Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

In and around August 2016, in Fairfax County, Virginia, within the Eastern District of Virginia, and elsewhere, defendants ELMER ZELAYA MARTINEZ, also known as “Killer,” “Morenito Martinez,” “Danilo Perez,” and “Chucho,” RONALD HERRERA CONTRERAS, also known as “Espeedy,” “Speedy,” and “Joster Hrmdz,” HENRY ZELAYA MARTINEZ, also known as “Certero” and “El Kakarra,” PABLO MIGUEL VELASCO BARRERA, also known as “Pablo Miguel Barrera Velasco,” “Oscuro,” and “Miguel Barrera,” FRANCISCO AVILA AVALOS, also known as “Picador,” “Punche,” and “Punche Jr Avila,” DUGLAS RAMIREZ FERRERA, also known as “Mortal,” “Darwin,” and “Artillero,” and EDENILSON MISAEL ALFARO, also known as “Lil Sicario” and “Pasiente Figueroa,” did knowingly and intentionally combine, conspire, confederate, and agree with each other, and with others, known and unknown to the grand jury, to unlawfully and willfully seize, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom, reward, and otherwise E.E.E.M., and did use facilities and instrumentalities of interstate commerce in furtherance of the commission of the offense, in violation of Title 18, United States Code, Section 1201(a)(1).

MANNER AND MEANS OF THE CONSPIRACY

The purpose of the conspiracy was to adhere to MS-13’s rule of attacking and killing individuals who are identified as being rival gang members. The manner and means by which the conspirators conducted the conspiracy included the following:

1. It was part of the conspiracy that conspirators, who were members and associates of MS-13, identified E.E.E.M. as a rival gang member.

2. It was further part of the conspiracy that conspirators lured E.E.E.M. to a park in Fairfax County, Virginia, in order to attack and kill him.

3. It was further part of the conspiracy that, after kidnapping and murdering E.E.E.M., the conspirators took steps to destroy evidence and conceal their crime in order to avoid apprehension.

OVERT ACTS

In furtherance of the conspiracy and to effect the object thereof, the defendants and their co-conspirators performed the following overt acts in the Eastern District of Virginia and elsewhere:

1. On or about August 16, 2016, Josue Vigil Mejia made inquiries about photographs posted by E.E.E.M. on his Facebook profile.

2. On or about August 16, 2016, Josue Vigil Mejia obtained a photograph of E.E.E.M.'s Facebook profile followed by a photograph of a masked individual dressed in all black with three 6s superimposed around his head

3. On or about August 16, 2016, after Josue Vigil Mejia showed the photograph of the masked individual to him, EDENILSON MISAEL ALFARO told Josue Vigil Mejia that the photograph was sufficient evidence that E.E.E.M. was a rival gang member and authorized and directed the murder of E.E.E.M.

4. On or about August 27, 2016, ELMER ZELAYA MARTINEZ, HENRY ZELAYA MARTINEZ, RONALD HERRERA CONTRERAS, Josue Vigil Mejia, and other co-conspirators planned to lure E.E.E.M. to a park where they and other gang members and associates would kill E.E.E.M.

5. On or about August 28, 2016, RONALD HERRERA CONTRERAS and Josue Vigil Mejia communicated via Facebook Messenger about the plan to murder E.E.E.M. later that day.

6. On or about August 28, 2016, ELMER ZELAYA MARTINEZ directed Erick Palacios Ruiz to communicate with E.E.E.M. for the purpose of advising him that there would be a gang meeting in Alexandria, Virginia, that evening and inviting him to attend the meeting.

7. On or about August 28, 2016, at ELMER ZELAYA MARTINEZ'S direction, Erick Palacios Ruiz used his cellular phone to communicate with E.E.E.M. by Facebook Messenger, advising E.E.E.M. that a gang meeting would be taking place that night in Alexandria, Virginia, and directing E.E.E.M. to take a bus to Alexandria that evening and to come alone.

8. On or about August 28, 2016, FRANCISCO AVILA AVALOS, Josue Vigil Mejia, and Erick Palacios Ruiz accompanied E.E.E.M. on public transportation to a location near Holmes Run Stream Valley Park in Fairfax County, Virginia, under the pretense that there was going to be a gang meeting that evening.

9. On or about August 28, 2016, ELMER ZELAYA MARTINEZ, RONALD HERRERA CONTRERAS, HENRY ZELAYA MARTINEZ, PABLO MIGUEL VELASCO BARRERA, and DUGLAS RAMIREZ FERRERA, while waiting at the Holmes Run Stream Valley Park in Fairfax County, Virginia, for E.E.E.M. to arrive, readied their weapons and dug a hole in which to bury E.E.E.M.'s body after the murder.

10. On or about August 28, 2016, FRANCISCO AVILA AVALOS, Josue Vigil Mejia, and Erick Palacios Ruiz walked with E.E.E.M. to the location at Holmes Run Stream Valley Park in Fairfax County, Virginia, where ELMER ZELAYA MARTINEZ, RONALD HERRERA CONTRERAS, HENRY ZELAYA MARTINEZ, PABLO MIGUEL VELASCO BARRERA, and DUGLAS RAMIREZ FERRERA were waiting for them to arrive.

11. On or about August 28, 2016, in Holmes Run Stream Valley Park in Fairfax County, Virginia, PABLO MIGUEL VELASCO BARRERA served as a look-out to ensure that the planned murder would not be witnessed by law enforcement or someone walking in the park.

12. On or about August 28, 2016, in Holmes Run Stream Valley Park in Fairfax County, Virginia, ELMER ZELAYA MARTINEZ, RONALD HERRERA CONTRERAS, HENRY ZELAYA MARTINEZ, FRANCISCO AVILA AVALOS, DUGLAS RAMIREZ FERRERA, Josue Vigil Mejia, and Erick Palacios Ruiz held, attacked, and murdered E.E.E.M. because they believed E.E.E.M. was a rival gang member who intended to infiltrate the MS-13 gang.

13. On or about August 28, 2016, in Holmes Run Stream Valley Park in Fairfax County, Virginia, RONALD HERRERA CONTRERAS and others took turns recording the murder of E.E.E.M. on a cellular phone to prove to gang leadership that the authorized murder was committed and that the participants were worthy of promotion in the gang.

14. On or about August 28, 2016, in Holmes Run Stream Valley Park in Fairfax County, Virginia, ELMER ZELAYA MARTINEZ, RONALD HERRERA CONTRERAS, HENRY ZELAYA MARTINEZ, FRANCISCO AVILA AVALOS, DUGLAS RAMIREZ FERRERA, and Erick Palacios Ruiz buried E.E.E.M.'s remains in the ground in order to hide evidence linking them to E.E.E.M.'s disappearance and murder.

15. On or about August 29, 2016, ELMER ZELAYA MARTINEZ transmitted a copy of the video recording of E.E.E.M.'s murder to EDENILSON MISAEL ALFARO to prove to gang leadership that the authorized murder of E.E.E.M. had been committed and that the participants were worthy of promotion in rank in the gang.

(In violation of Title 18, United States Code, Section 1201(c).)

COUNT FOUR

(Conspiracy to Kidnap S.A.A.T.)

THE GRAND JURY FURTHER CHARGES THAT:

The GENERAL ALLEGATIONS of this Second Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

In and around September 2016, in Fairfax County, Virginia, within the Eastern District of Virginia, and elsewhere, defendants OSCAR CONTRERAS AGUILAR, also known as “Oscar Contreras” and “Atrevido,” ELMER ZELAYA MARTINEZ, also known as “Killer,” “Morenito Martinez,” “Danilo Perez,” and “Chucho,” RONALD HERRERA CONTRERAS, also known as “Espeedy,” “Speedy,” and “Joster Hrndz,” HENRY ZELAYA MARTINEZ, also known as “Certero” and “El Kakarra,” YONATHAN MELGAR MARTINEZ, also known as “Oso” and “Viejo Oso,” PABLO MIGUEL VELASCO BARRERA, also known as “Pablo Miguel Barrera Velasco,” “Oscuro,” and “Miguel Barrera,” ANDERSON VILLATORO RIVERA, also known as “Anderson Villatoro,” and “Enterrador,” FRANCISCO AVILA AVALOS, also known as “Picador,” “Punche,” and “Punche Jr Avila,” FREDYS BAIREs ABARCA, also known as “Fredys Baires,” “Fredys D. Baires,” “Lil Trucha,” and “Lil Clandestino,” DUGLAS RAMIREZ FERRERA, also known as “Mortal,” “Darwin,” and “Artillero,” and EDENILSON MISAEL ALFARO, also known as “Lil Sicario” and “Paciente Figueroa,” did knowingly and intentionally combine, conspire, confederate, and agree with each other, and with others, known and unknown to the grand jury, to unlawfully and willfully seize, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom, reward, and otherwise S.A.A.T., and did use facilities and instrumentalities of interstate commerce in furtherance of the commission of the offense, in violation of Title 18, United States Code, Section 1201(a)(1).

MANNER AND MEANS OF THE CONSPIRACY

The purpose of the conspiracy was to adhere to MS-13's rule of attacking and killing individuals who are believed to be cooperating with law enforcement authorities. The manner and means by which the conspirators conducted the conspiracy included the following:

1. It was part of the conspiracy that conspirators, who were members and associates of MS-13, identified S.A.A.T. as an individual who they believed was cooperating with law enforcement.

2. It was further part of the conspiracy that conspirators lured S.A.A.T. to a park in Fairfax County, Virginia, in order to attack and kill him.

3. It was further part of the conspiracy that, after kidnapping and murdering S.A.A.T., the conspirators took steps to destroy evidence and conceal their crime in order to avoid apprehension.

OVERT ACTS

In furtherance of the conspiracy and to effect the object thereof, the defendants and their co-conspirators performed the following overt acts in the Eastern District of Virginia and elsewhere:

1. In and around September 2016, Josue Vigil Mejia told ELMER ZELAYA MARTINEZ and HENRY ZELAYA MARTINEZ that a gang member from another clique had advised that S.A.A.T. might be cooperating with law enforcement.

2. In and around September 2016, ELMER ZELAYA MARTINEZ and HENRY ZELAYA MARTINEZ concluded that S.A.A.T. was cooperating with law enforcement and should be murdered as a result.

3. In and around September 2016, ELMER ZELAYA MARTINEZ and HENRY ZELAYA MARTINEZ advised EDENILSON MISAEL ALFARO of their belief that S.A.A.T.

was cooperating with law enforcement and of their plan to kill S.A.A.T. as punishment for such cooperation.

4. In and around September 2016, EDENILSON MISAEAL ALFARO authorized the murder of S.A.A.T.

5. In and around September 2016, EDENILSON MISAEAL ALFARO informed OSCAR CONTRERAS AGUILAR that members of the PVLS clique in Virginia had identified an informant and directed OSCAR CONTRERAS AGUILAR to send two *chequeos* from Maryland to Virginia so that they could participate in the murder of the informant.

6. In and around September 2016, OSCAR CONTRERAS AGUILAR instructed FREDYS BAIREZ ABARCA and an unindicted co-conspirator known as "Lobito" to travel to Virginia and meet with ELMER ZELAYA MARTINEZ and HENRY ZELAYA MARTINEZ so that FREDYS BAIREZ ABARCA and "Lobito" could participate in the murder of an individual believed to be cooperating with law enforcement.

7. On or about September 26, 2016, after learning that EDENILSON MISAEAL ALFARO had authorized the murder of S.A.A.T., Josue Vigil Mejia directed ANDERSON VILLATORO RIVERA to participate in the murder of S.A.A.T. so that ANDERSON VILLATORO RIVERA could be promoted in the gang.

8. On or about September 26, 2016, ELMER ZELAYA MARTINEZ, RONALD HERRERA CONTRERAS, HENRY ZELAYA MARTINEZ, YONATHAN MELGAR MARTINEZ, PABLO MIGUEL VELASCO BARRERA, ANDERSON VILLATORO RIVERA, FRANCISCO AVILA AVALOS, DUGLAS RAMIREZ FERRERA, Erick Palacios Ruiz, and other co-conspirators planned to murder S.A.A.T. on the night of September 26, 2016, because they believed he was cooperating with law enforcement.

9. On or about September 26, 2016, FREDYS BAIREZ ABARCA and the unindicted co-conspirator known as “Lobito” traveled from Maryland to the Eastern District of Virginia for the purpose of participating in the murder of S.A.A.T.

10. On or about September 26, 2016, ELMER ZELAYA MARTINEZ and Erick Palacios Ruiz communicated with S.A.A.T. via Facebook Messenger for the purpose of luring S.A.A.T. to Holmes Run Stream Valley Park in Fairfax County, Virginia, under the pretense that there was going to be a gang meeting that night.

11. On or about September 26, 2016, ELMER ZELAYA MARTINEZ and Erick Palacios Ruiz communicated with S.A.A.T. via Facebook Messenger and arranged to pick up S.A.A.T. outside a Target store in Falls Church, Virginia, and take S.A.A.T. to Holmes Run Stream Valley Park in Fairfax County, Virginia, where ELMER ZELAYA MARTINEZ, Erick Palacios Ruiz, and others planned to kill S.A.A.T.

12. On or about September 26, 2016, ELMER ZELAYA MARTINEZ, RONALD HERRERA CONTRERAS, HENRY ZELAYA MARTINEZ, PABLO MIGUEL VELASCO BARRERA, FRANCISCO AVILA AVALOS, ANDERSON VILLATORO RIVERA, DUGLAS RAMIREZ FERRERA, Erick Palacios Ruiz, and others traveled by vehicle to the Target store located at 5115 Leesburg Pike, Falls Church, Virginia, to pick up S.A.A.T. and take him to Holmes Run Stream Valley Park in Fairfax County, Virginia.

13. On or about September 26, 2016, outside the Target store located at 5115 Leesburg Pike, Falls Church, Virginia, and in order to hinder law enforcement’s ability to investigate and solve S.A.A.T.’s murder, ELMER ZELAYA MARTINEZ removed from S.A.A.T.’s ankle an electronic monitoring device that S.A.A.T. was required to wear.

14. On or about September 26, 2016, ELMER ZELAYA MARTINEZ, RONALD HERRERA CONTRERAS, HENRY ZELAYA MARTINEZ, PABLO MIGUEL VELASCO

BARRERA, FRANCISCO AVILA AVALOS, ANDERSON VILLATORO RIVERA, DUGLAS RAMIREZ FERRERA, Erick Palacios Ruiz, and others transported S.A.A.T. by vehicle from the Target store located at 5115 Leesburg Pike, Falls Church, Virginia to Holmes Run Stream Valley Park in Fairfax County, Virginia, for the purpose of holding S.A.A.T. under false pretenses and killing him there.

15. On or about September 26, 2016, in Holmes Run Stream Valley Park in Fairfax County, Virginia, PABLO MIGUEL VELASCO BARRERA, YONATHAN MELGAR MARTINEZ, FRANCISCO AVILA AVALOS, and others initially served as look-outs to ensure that the planned murder would not be witnessed by law enforcement or someone walking in the park.

16. On or about September 26, 2016, in Holmes Run Stream Valley Park in Fairfax County, Virginia, ELMER ZELAYA MARTINEZ, RONALD HERRERA CONTRERAS, HENRY ZELAYA MARTINEZ, YONATHAN MELGAR MARTINEZ, PABLO MIGUEL VELASCO BARRERA, ANDERSON VILLATORO RIVERA, FRANCISCO AVILA AVALOS, FREDYS BAIRES ABARCA, DUGLAS RAMIREZ FERRERA, Erick Palacios Ruiz, "Lobito," and other unindicted co-conspirators held, attacked, and murdered S.A.A.T. because they believed S.A.A.T. was cooperating with law enforcement.

17. On or about September 26, 2016, in Holmes Run Stream Valley Park in Fairfax County, Virginia, RONALD HERRERA CONTRERAS recorded the murder of S.A.A.T. on a cellular phone to prove to gang leadership that the authorized murder was committed and that the participants were worthy of promotion in the gang.

18. On or about September 26, 2016, in Holmes Run Stream Valley Park in Fairfax County, Virginia, RONALD HERRERA CONTRERAS, YONATHAN MELGAR MARTINEZ, ANDERSON VILLATORO RIVERA, FRANCISCO AVILA AVALOS, Erick Palacios Ruiz, and

others buried S.A.A.T.'s remains in the ground in order to hide evidence linking them to S.A.A.T.'s disappearance and murder.

19. On or about September 27, 2016, ELMER ZELAYA MARTINEZ, PABLO MIGUEL VELASCO BARRERA, and ANDERSON VILLATORO RIVERA removed S.A.A.T. as a Facebook friend and blocked his accounts from their respective Facebook accounts in order to conceal their involvement in S.A.A.T.'s disappearance and murder.

20. On or about September 27, 2016, ELMER ZELAYA MARTINEZ transmitted a copy of the video recording of S.A.A.T.'s murder to EDENILSON MISAEAL ALFARO to prove to gang leadership that the authorized murder of S.A.A.T. had been committed and that the participants were worthy of promotion in rank in the gang.

(In violation of Title 18, United States Code, Section 1201(c).)

COUNT FIVE

(Murder of E.E.E.M. in Aid of Racketeering Activity)

THE GRAND JURY FURTHER CHARGES THAT:

The GENERAL ALLEGATIONS of this Second Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

On or about August 28, 2016, in Fairfax County, Virginia, within the Eastern District of Virginia, and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, defendants ELMER ZELAYA MARTINEZ, also known as “Killer,” “Morenito Martinez,” “Danilo Perez,” and “Chucho,” RONALD HERRERA CONTRERAS, also known as “Espeedy,” “Speedy,” and “Joster Hrndz,” HENRY ZELAYA MARTINEZ, also known as “Certero” and “El Kakarra,” PABLO MIGUEL VELASCO BARRERA, also known as “Pablo Miguel Barrera Velasco,” “Oscuro,” and “Miguel Barrera,” FRANCISCO AVILA AVALOS, also known as “Picador,” “Punche,” and “Punche Jr Avila,” DUGLAS RAMIREZ FERRERA, also known as “Mortal,” “Darwin,” and “Artillero,” and EDENILSON MISAEL ALFARO, also known as “Lil Sicario” and “Pasiente Figueroa,” did knowingly and intentionally murder E.E.E.M., in violation of the laws of the Commonwealth of Virginia, specifically, Va. Code §§ 18.2-32 and 18.2-18, and did aid, abet, counsel, command, induce, and cause another to commit said offense.

(In violation of Title 18, United States Code, Sections 1959(a)(1) and 2.)

COUNT SIX

(Murder of S.A.A.T. in Aid of Racketeering Activity)

THE GRAND JURY FURTHER CHARGES THAT:

The GENERAL ALLEGATIONS of this Second Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

On or about September 26, 2016, in Fairfax County, Virginia, within the Eastern District of Virginia, and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in MS-13, an enterprise engaged in racketeering activity, defendants OSCAR CONTRERAS AGUILAR, also known as "Oscar Contreras" and "Atrevido," ELMER ZELAYA MARTINEZ, also known as "Killer," "Morenito Martinez," "Danilo Perez," and "Chucho," RONALD HERRERA CONTRERAS, also known as "Espeedy," "Speedy," and "Joster Hrmdz," HENRY ZELAYA MARTINEZ, also known as "Certero" and "El Kakarra," YONATHAN MELGAR MARTINEZ, also known as "Oso" and "Viejo Oso," PABLO MIGUEL VELASCO BARRERA, also known as "Pablo Miguel Barrera Velasco," "Oscuro," and "Miguel Barrera," ANDERSON VILLATORO RIVERA, also known as "Anderson Villatoro," and "Enterrador," FRANCISCO AVILA AVALOS, also known as "Picador," "Punche," and "Punche Jr Avila," FREDYS BAIREs ABARCA, also known as "Fredys Baires," "Fredys D. Baires," "Lil Trucha," and "Lil Clandestino," DUGLAS RAMIREZ FERRERA, also known as "Mortal," "Darwin," and "Artillero," and EDENILSON MISAEAL ALFARO, also known as "Lil Sicario" and "Pasiente Figueroa," did knowingly and intentionally murder S.A.A.T., in violation of the laws of the Commonwealth of Virginia, specifically, Va. Code §§ 18.2-32 and 18.2-18, and did aid, abet, counsel, command, induce, and cause another to commit said offense.

(In violation of Title 18, United States Code, Sections 1959(a)(1) and 2.)

COUNT SEVEN

(Kidnapping of E.E.E.M. Resulting in Death)

THE GRAND JURY FURTHER CHARGES THAT:

The GENERAL ALLEGATIONS of this Second Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

On or about August 28, 2016, in Fairfax County, Virginia, within the Eastern District of Virginia, and elsewhere, defendants ELMER ZELAYA MARTINEZ, also known as “Killer,” “Morenito Martinez,” “Danilo Perez,” and “Chucho,” RONALD HERRERA CONTRERAS, also known as “Espeedy,” “Speedy,” and “Joster Hrmdz,” HENRY ZELAYA MARTINEZ, also known as “Certero” and “El Kakarra,” PABLO MIGUEL VELASCO BARRERA, also known as “Pablo Miguel Barrera Velasco,” “Oscuro,” and “Miguel Barrera,” FRANCISCO AVILA AVALOS, also known as “Picador,” “Punche,” and “Punche Jr Avila,” DUGLAS RAMIREZ FERRERA, also known as “Mortal,” “Darwin,” and “Artillero,” and EDENILSON MISAEL ALFARO, also known as “Lil Sicario” and “Pasiente Figueroa,” did unlawfully and willfully seize, inveigle, decoy, kidnap, abduct, and carry away and hold E.E.E.M. for ransom and reward and otherwise, namely, for the purpose of killing him because he was believed to be a member of a rival gang, and, in committing and in furtherance of the commission of the offense, did travel in interstate commerce, and did use facilities and instrumentalities of interstate commerce, and did aid, abet, counsel, command, induce, and cause another to commit said offense, and E.E.E.M. died as a result of the offense.

(In violation of Title 18, United States Code, Sections 1201(a)(1) and 2.)

COUNT EIGHT

(Kidnapping of S.A.A.T. Resulting in Death)

THE GRAND JURY FURTHER CHARGES THAT:

The GENERAL ALLEGATIONS of this Second Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

On or about September 26, 2016, in Fairfax County, Virginia, within the Eastern District of Virginia, and elsewhere, defendants OSCAR CONTRERAS AGUILAR, also known as "Oscar Contreras" and "Atrevido," ELMER ZELAYA MARTINEZ, also known as "Killer," "Morenito Martinez," "Danilo Perez," and "Chucho," RONALD HERRERA CONTRERAS, also known as "Espeedy," "Speedy," and "Joster Hrndz," HENRY ZELAYA MARTINEZ, also known as "Certero" and "El Kakarra," YONATHAN MELGAR MARTINEZ, also known as "Oso" and "Viejo Oso," PABLO MIGUEL VELASCO BARRERA, also known as "Pablo Miguel Barrera Velasco," "Oscuro," and "Miguel Barrera," ANDERSON VILLATORO RIVERA, also known as "Anderson Villatoro," and "Enterrador," FRANCISCO AVILA AVALOS, also known as "Picador," "Punche," and "Punche Jr Avila," FREDYS BAIREs ABARCA, also known as "Fredys Baires," "Fredys D. Baires," "Lil Trucha," and "Lil Clandestino," DUGLAS RAMIREZ FERRERA, also known as "Mortal," "Darwin," and "Artillero," and EDENILSON MISAEAL ALFARO, also known as "Lil Sicario" and "Pasiente Figueroa," did unlawfully and willfully seize, inveigle, decoy, kidnap, abduct, and carry away and hold S.A.A.T. for ransom and reward and otherwise, namely, for the purpose of killing him because he was believed to be cooperating with law enforcement, and, in committing and in furtherance of the commission of the offense, did travel in interstate commerce, and did use facilities and instrumentalities of interstate commerce, and did aid, abet, counsel, command, induce, and cause another to commit said offense, and S.A.A.T. died as a result of the offense.

(In violation of Title 18, United States Code, Sections 1201(a)(1) and 2.)

NOTICE OF SPECIAL FINDINGS

The GENERAL ALLEGATIONS of this Second Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

1. As to Counts Five and Seven of this Second Superseding Indictment, defendants ELMER ZELAYA MARTINEZ, also known as “Killer,” “Morenito Martinez,” “Danilo Perez,” and “Chucho,” RONALD HERRERA CONTRERAS, also known as “Espeedy,” “Speedy,” and “Joster Hrndz,” HENRY ZELAYA MARTINEZ, also known as “Certero” and “El Kakarra,” PABLO MIGUEL VELASCO BARRERA, also known as “Pablo Miguel Barrera Velasco,” “Oscuro,” and “Miguel Barrera,” FRANCISCO AVILA AVALOS, also known as “Picador,” “Punche,” and “Punche Jr Avila,” and DUGLAS RAMIREZ FERRERA, also known as “Mortal,” “Darwin,” and “Artillero”:

- a. were 18 years of age or older at the time of the offense;
- b. intentionally killed E.E.E.M. (Title 18, United States Code, Section 3591(a)(2)(A));
- c. intentionally inflicted serious bodily injury that resulted in the death of E.E.E.M. (Title 18, United States Code, Section 3591(a)(2)(B));
- d. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and E.E.E.M. died as a direct result of such act (Title 18, United States Code, Section 3591(a)(2)(C));
- e. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the

participants in the offense, such that participation in the act constituted a reckless disregard for human life and E.E.E.M. died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));

- f. committed the offense during the commission of a kidnapping (Title 18, United States Code, Section 3592(c)(1));
- g. committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture and serious physical abuse to E.E.E.M. (Title 18, United States Code, Section 3592(c)(6));
- h. committed the offense after substantial planning and premeditation to cause the death of E.E.E.M. (Title 18, United States Code, Section 3592(c)(9));
and
- i. committed the offense against E.E.E.M., who was a particularly vulnerable victim due to his youth (Title 18, United States Code, Section 3592(c)(11)).

2. As to Counts Five and Seven of this Second Superseding Indictment, defendant EDENILSON MISAEL ALFARO, also known as “Lil Sicario” and “Paciente Figueroa”:

- a. was 18 years of age or older at the time of the offense;
- b. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and E.E.E.M. died as a direct result of such act (Title 18, United States Code, Section 3591(a)(2)(C));
- c. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the

participants in the offense, such that participation in the act constituted a reckless disregard for human life and E.E.E.M. died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));

- d. committed the offense during the commission of a kidnapping (Title 18, United States Code, Section 3592(c)(1));
- e. committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture and serious physical abuse to E.E.E.M. (Title 18, United States Code, Section 3592(c)(6));
- f. committed the offense after substantial planning and premeditation to cause the death of E.E.E.M. (Title 18, United States Code, Section 3592(c)(9));
- and
- g. committed the offense against E.E.E.M., who was a particularly vulnerable victim due to his youth (Title 18, United States Code, Section 3592(c)(11)).

3. As to Counts Six and Eight of this Second Superseding Indictment, defendants ELMER ZELAYA MARTINEZ, also known as “Killer,” “Morenito Martinez,” “Danilo Perez,” and “Chucho,” RONALD HERRERA CONTRERAS, also known as “Espeedy,” “Speedy,” and “Joster Hrmdz,” HENRY ZELAYA MARTINEZ, also known as “Certero” and “El Kakarra,” YONATHAN MELGAR MARTINEZ, also known as “Oso” and “Viejo Oso,” PABLO MIGUEL VELASCO BARRERA, also known as “Pablo Miguel Barrera Velasco,” “Oscuro,” and “Miguel Barrera,” ANDERSON VILLATORO RIVERA, also known as “Anderson Villatoro,” and “Enterrador,” FRANCISCO AVILA AVALOS, also known as “Picador,” “Punche,” and “Punche Jr Avila,” FREDYS BAIREs ABARCA, also known as “Fredys Baires,” “Fredys D. Baires,” “Lil Trucha,” and “Lil Clandestino,” and DUGLAS RAMIREZ FERRERA, also known as “Mortal,” “Darwin,” and “Artillero”:

- a. were 18 years of age or older at the time of the offense;
- b. intentionally killed S.A.A.T. (Title 18, United States Code, Section 3591(a)(2)(A));
- c. intentionally inflicted serious bodily injury that resulted in the death of S.A.A.T. (Title 18, United States Code, Section 3591(a)(2)(B));
- d. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and S.A.A.T. died as a direct result of such act (Title 18, United States Code, Section 3591(a)(2)(C));
- e. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and S.A.A.T. died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));
- f. committed the offense during the commission of a kidnapping (Title 18, United States Code, Section 3592(c)(1));
- g. committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture and serious physical abuse to S.A.A.T. (Title 18, United States Code, Section 3592(c)(6));
- h. committed the offense after substantial planning and premeditation to cause the death of S.A.A.T. (Title 18, United States Code, Section 3592(c)(9));
and
- i. committed the offense against S.A.A.T., who was a particularly vulnerable victim due to his youth (Title 18, United States Code, Section 3592(c)(11)).

4. As to Counts Six and Eight of this Second Superseding Indictment, defendants OSCAR CONTRERAS AGUILAR, also known as “Oscar Contreras” and “Atrevido,” and EDENILSON MISAEAL ALFARO, also known as “Lil Sicario” and “Pasiente Figueroa”:

- a. were 18 years of age or older at the time of the offense;
 - b. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and S.A.A.T. died as a direct result of such act (Title 18, United States Code, Section 3591(a)(2)(C));
 - c. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and S.A.A.T. died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));
 - d. committed the offense during the commission of a kidnapping (Title 18, United States Code, Section 3592(c)(1));
 - e. committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture and serious physical abuse to S.A.A.T. (Title 18, United States Code, Section 3592(c)(6));
 - f. committed the offense after substantial planning and premeditation to cause the death of S.A.A.T. (Title 18, United States Code, Section 3592(c)(9));
- and

g. committed the offense against S.A.A.T., who was a particularly vulnerable victim due to his youth (Title 18, United States Code, Section 3592(c)(11)).

(Pursuant to Title 18, United States Code, Sections 3591 and 3592.)

A TRUE BILL

Pursuant to the F. Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

FOREPERSON OF THE GRAND JURY



G. Zachary Terwilliger
United States Attorney



Rebeca H. Bellows
Alexander E. Blanchard
Assistant United States Attorneys